

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris

H.B. No. 1468

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sanitation and safety requirements for certain
3 artificial bodies of water maintained for public recreational
4 purposes.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 341.064, Health and
7 Safety Code, is amended to read as follows:

8 Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS,
9 AND BATHHOUSES.

10 SECTION 2. Sections 341.064(a), (b), (c), (e), (f), (g),
11 (i), (j), (k), (l-1), (m), (n), and (o), Health and Safety Code, are
12 amended to read as follows:

13 (a) An owner, manager, operator, or other attendant in
14 charge of a public swimming pool or an artificial swimming lagoon
15 shall maintain the public swimming pool or artificial swimming
16 lagoon in a sanitary condition.

17 (b) The bacterial content of the water in a public swimming
18 pool or in an artificial swimming lagoon may not exceed the safe
19 limits prescribed by department standards. A minimum free
20 residual chlorine of 2.0 parts for each one million units of water
21 in a public spa and a minimum free residual chlorine of 1.0 part for
22 each one million units of water in other public swimming pools or in
23 artificial swimming lagoons, or any other method of disinfectant
24 approved by the department, must be maintained in a public swimming

1 pool in use or in an artificial swimming lagoon in use.

2 (c) Water in a public swimming pool or in an artificial
3 swimming lagoon [~~open to the public~~] may not show an acid reaction
4 to a standard pH test.

5 (e) Facilities shall be provided in a public swimming pool
6 or in an artificial swimming lagoon for adequate protection of
7 bathers against sputum contamination.

8 (f) A person known to be or suspected of being infected with
9 a transmissible condition of a communicable disease shall be
10 excluded from a public swimming pool and from an artificial
11 swimming lagoon.

12 (g) The construction and appliances of a public swimming
13 pool and of an artificial swimming lagoon must be such as to reduce
14 to a practical minimum the possibility of drowning or of injury to
15 bathers. The construction after September 4, 1945, of a public
16 swimming pool or the construction after September 1, 2017, of an
17 artificial swimming lagoon must conform to good public health
18 engineering practices.

19 (i) Dressing rooms of a public swimming pool or of an
20 artificial swimming lagoon shall contain shower facilities.

21 (j) A comb or hairbrush used by two or more persons may not
22 be permitted or distributed in a bathhouse of a public swimming pool
23 or of an artificial swimming lagoon.

24 (k) The operator or manager of a public swimming pool or of
25 an artificial swimming lagoon shall provide adequate and proper
26 approved facilities for the disposal of human excreta by the
27 bathers.

1 (1-1) Rules adopted under this chapter may not prohibit the
2 consumption of food or beverages in a public swimming pool or in an
3 artificial swimming lagoon that is privately owned and operated.

4 (m) In this section:

5 (1) "Artificial swimming lagoon" means an artificial
6 body of water open to the public for recreational purposes with more
7 than 20,000 square feet of surface area, an artificial liner, and a
8 disinfection system. The term includes only the portion of the body
9 of water that is designated for swimming. The term does not include
10 a body of water open to the public that continuously recirculates
11 water from a spring or river.

12 (2) "Public[~~, —~~"public] swimming pool" means an
13 artificial body of water, including a spa, maintained expressly for
14 public recreational purposes, swimming and similar aquatic sports,
15 or therapeutic purposes. The term does not include an artificial
16 swimming lagoon.

17 (n) A county or municipality may:

18 (1) require that the owner or operator of a public
19 swimming pool or of an artificial swimming lagoon within the
20 jurisdiction of the county or municipality obtain a permit for
21 operation of the public swimming pool or artificial swimming
22 lagoon;

23 (2) inspect a public swimming pool or an artificial
24 swimming lagoon within the jurisdiction of the county or
25 municipality for compliance with this section; and

26 (3) impose and collect a reasonable fee in connection
27 with a permit or inspection required under this subsection provided

1 the following are met:

2 (A) the auditor for the county shall review the
3 program every two years to ensure that the fees imposed do not
4 exceed the cost of the program; and

5 (B) the county refunds the permit holders any
6 revenue determined by the auditor to exceed the cost of the program.

7 (o) A county or municipality may by order close, for the
8 period specified in the order, a public swimming pool or an
9 artificial swimming lagoon within the jurisdiction of the county or
10 municipality if the operation of the public swimming pool or
11 artificial swimming lagoon violates this section or a permitting or
12 inspection requirement imposed by the county or municipality under
13 Subsection (n).

14 SECTION 3. Section 341.0645(a), Health and Safety Code, is
15 amended to read as follows:

16 (a) An owner, manager, operator, or other attendant in
17 charge of a public swimming pool as defined by Section 341.064,
18 wading pool, baby pool, hot tub, in-ground spa, water park, spray
19 fountain, or other artificial body of water typically used for
20 recreational swimming, bathing, or play shall comply with pool
21 safety standards adopted under this section.

22 SECTION 4. Section 481.134(a), Health and Safety Code, is
23 amended by adding Subdivision (4-a) to read as follows:

24 (4-a) "Public swimming pool" has the meaning assigned
25 by Section 341.064.

26 SECTION 5. As soon as practicable after the effective date
27 of this Act, the executive commissioner of the Health and Human

1 Services Commission shall adopt rules necessary to implement the
2 changes in law made by this Act.

3 SECTION 6. The changes in law made by this Act apply only to
4 an offense committed on or after the effective date of this Act. An
5 offense committed before the effective date of this Act is governed
6 by the law in effect on the date the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before the effective date of
9 this Act if any element of the offense occurred before that date.

10 SECTION 7. This Act takes effect September 1, 2017.

ADOPTED

MAY 19 2017

Leta Spaw
Secretary of the Senate

H.B. No. 1468

By: *Rep. Thompson / Hancock*

Substitute the following for ___B. No. _____:

By: *Kelly Harwood*

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sanitation and safety requirements for certain
3 artificial bodies of water maintained for public recreational
4 purposes.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1.005, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 1.005. DEFINITIONS [~~DEFINITION~~]. In this code:

9 (1) "Artificial swimming lagoon" means an artificial
10 body of water used for recreational purposes with more than 20,000
11 square feet of surface area, an artificial liner, and a method of
12 disinfectant. The term does not include a body of water open to the
13 public that continuously recirculates water from a spring or a
14 pool.

15 (2) "Licensed practitioner" [~~,"licensed~~
16 ~~practitioner"~~] includes a sex offender treatment provider who is
17 licensed under Chapter 110, Occupations Code.

18 (3) "Public swimming pool" means an artificial body of
19 water, including a spa, maintained expressly for public
20 recreational purposes, swimming and similar aquatic sports, or
21 therapeutics purposes. The term does not include an artificial
22 swimming lagoon or a body of water open to the public that
23 continuously recirculates water from a spring.

24 SECTION 2. The heading to Section 341.064, Health and

1 Safety Code, is amended to read as follows:

2 Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS,
3 AND BATHHOUSES.

4 SECTION 3. Section 341.064, Health and Safety Code, is
5 amended by amending Subsections (a), (b), (c), (e), (f), (g), (i),
6 (j), (k), (l-1), (n), and (o) and adding Subsection (b-1) to read as
7 follows:

8 (a) An owner, manager, operator, or other attendant in
9 charge of a public swimming pool or an artificial swimming lagoon
10 shall maintain the public swimming pool or artificial swimming
11 lagoon in a sanitary condition.

12 (b) The bacterial content of the water in a public swimming
13 pool or in an artificial swimming lagoon may not exceed the safe
14 limits prescribed by department standards. A minimum free
15 residual chlorine of 2.0 parts for each one million units of water
16 in a public spa and a minimum free residual chlorine of 1.0 part for
17 each one million units of water in other public swimming pools or in
18 artificial swimming lagoons, or any other method of disinfectant
19 approved by the department, must be maintained in a public swimming
20 pool in use or in an artificial swimming lagoon in use.

21 **(b-1) The department shall approve or reject a request to**
22 **use another method of disinfectant under Subsection (b) not later**
23 **than the 90th day after the date the request was made. If the**
24 **department does not approve or reject the method in accordance with**
25 **this subsection, the person who made the request may file an action**
26 **to compel the department to approve or reject the method or to show**
27 **good cause for an extension of time to make a determination. Venue**

1 for an action brought under this subsection is Travis County.

2 (c) Water in a public swimming pool or in an artificial
3 swimming lagoon [~~open to the public~~] may not show an acid reaction
4 to a standard pH test.

5 (e) Facilities shall be provided in a public swimming pool
6 or in an artificial swimming lagoon for adequate protection of
7 bathers against sputum contamination.

8 (f) A person known to be or suspected of being infected with
9 a transmissible condition of a communicable disease shall be
10 excluded from a public swimming pool and from an artificial
11 swimming lagoon.

12 (g) The construction and appliances of a public swimming
13 pool and of an artificial swimming lagoon must be such as to reduce
14 to a practical minimum the possibility of drowning or of injury to
15 bathers. The construction after September 4, 1945, of a public
16 swimming pool or the construction after September 1, 2017, of an
17 artificial swimming lagoon must conform to good public health
18 engineering practices.

19 (i) Dressing rooms of a public swimming pool or of an
20 artificial swimming lagoon shall contain shower facilities.

21 (j) A comb or hairbrush used by two or more persons may not
22 be permitted or distributed in a bathhouse of a public swimming pool
23 or of an artificial swimming lagoon.

24 (k) The operator or manager of a public swimming pool or of
25 an artificial swimming lagoon shall provide adequate and proper
26 approved facilities for the disposal of human excreta by the
27 bathers.

1 (1-1) Rules adopted under this chapter may not prohibit the
2 consumption of food or beverages in a public swimming pool or
3 artificial swimming lagoon that is privately owned and operated.

4 (n) A county or municipality may:

5 (1) require that the owner or operator of a public
6 swimming pool or of an artificial swimming lagoon within the
7 jurisdiction of the county or municipality obtain a permit for
8 operation of the public swimming pool or artificial swimming
9 lagoon;

10 (2) inspect a public swimming pool or an artificial
11 swimming lagoon within the jurisdiction of the county or
12 municipality for compliance with this section; and

13 (3) impose and collect a reasonable fee in connection
14 with a permit or inspection required under this subsection provided
15 the following are met:

16 (A) the auditor for the county shall review the
17 program every two years to ensure that the fees imposed do not
18 exceed the cost of the program; and

19 (B) the county refunds the permit holders any
20 revenue determined by the auditor to exceed the cost of the program.

21 (o) A county or municipality may by order close, for the
22 period specified in the order, a public swimming pool or an
23 artificial swimming lagoon within the jurisdiction of the county or
24 municipality if the operation of the public swimming pool or
25 artificial swimming lagoon violates this section or a permitting or
26 inspection requirement imposed by the county or municipality under
27 Subsection (n).

1 SECTION 4. Section 341.0645(a), Health and Safety Code, is
2 amended to read as follows:

3 (a) An owner, manager, operator, or other attendant in
4 charge of a public swimming pool, wading pool, baby pool, hot tub,
5 in-ground spa, water park, spray fountain, or other artificial body
6 of water typically used for recreational swimming, bathing, or play
7 shall comply with relevant pool safety standards adopted under this
8 section.

9 SECTION 5. Section 341.064(m), Health and Safety Code, is
10 repealed.

11 SECTION 6. The changes in law made by this Act apply only to
12 an offense committed on or after the effective date of this Act. An
13 offense committed before the effective date of this Act is governed
14 by the law in effect on the date the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense occurred before that date.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1468 by Thompson, Senfronia (Relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes. The Department of State Health Services indicates that any costs associated with the bill could be absorbed with existing resources. The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the bill does not receive the vote necessary for immediate effect, the bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of, 529 Health and Human Services Commission

LBB Staff: UP, SD, CL, RD, KCA, EP, TBo, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1468** by Thompson, Senfronia (Relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.),
Committee Report 2nd House, Substituted

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Health and Safety Code relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes. The Department of State Health Services indicates that any costs associated with the bill could be absorbed with existing resources. The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If the bill does not receive the vote necessary for immediate effect, the bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of, 529 Health and Human Services Commission

LBB Staff: UP, CL, RD, KCA, EP, TBo, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 5, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1468 by Thompson, Senfronia (Relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.), **As Engrossed**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Health and Safety Code relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes. The Department of State Health Services and the Health and Human Services Commission indicate that any costs associated with the bill could be absorbed with existing resources. The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: UP, CL, RD, KCA, EP, TBo, JGA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 17, 2017

TO: Honorable Four Price, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1468** by Thompson, Senfronia (Relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes. The Department of State Health Services and the Health and Human Services Commission indicate that any costs associated with the bill could be absorbed with existing resources. The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services,
Department of

LBB Staff: UP, RD, KCA, EP, TBo, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

TO: Honorable Four Price, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1468 by Thompson, Senfronia (Relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes. The Department of State Health Services and the Health and Human Services Commission indicate that any costs associated with the bill could be absorbed with existing resources. The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: UP, KCA, EP, RD, TBo, JGA